

Bill No. 34-04
Concerning: Ethics—Lobbying Disclosure
Amendments
Revised: September 24, 2004 Draft No. 1
Introduced: October 5, 2004
Expires: April 5, 2006
Enacted: November 16, 2004
Executive: _____
Effective: _____
Sunset Date: None
Ch. , Laws of Mont. Co.

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Praisner and Andrews

AN ACT to:

- (1) eliminate the exception for lobbyist registration related to Cable Communications; and
- (2) generally amend County law regarding Ethics.

By Amending

Montgomery County Code
Chapter 19A, Ethics
Article V. Lobbying Disclosure
Section 19A-21.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 19A-21 is amended as follows:**

2 **Sec. 19A-21. Who must register as a lobbyist; exceptions.**

- 3 (a) Any individual or organization must register as a lobbyist under this
4 Article if, during a year, that individual or organization:
5 (1) communicates with a public employee to influence legislative
6 action by a County agency, and for that purpose either:
7 (A) spends more than \$500, or
8 (B) receives compensation, including a pro-rated part of a
9 salary or fee for services, totaling more than \$500; or
10 (2) communicates with a public employee to influence executive or
11 administrative action by a County agency, and for that purpose
12 spends a total of more than \$500 for:
13 (A) meals and beverages;
14 (B) transportation;
15 (C) lodging;
16 (D) provision of any service;
17 (E) one or more special events; and
18 (F) one or more gifts.
19 (b) In this Article, legislative action does not include any matter covered by
20 subsection 19A- 15(b).
21 (c) This Article does not apply to:
22 (1) drafting bills or advising clients about proposed or pending
23 legislation without any other attempt to influence the legislative
24 process;
25 (2) communicating with a County agency when requested by the
26 agency, without engaging in any other activity to influence

- 27 legislative, administrative, or executive action on the subject of
28 the communication;
- 29 (3) communicating with a County agency as an official act of an
30 official or employee of the state, a political subdivision of the
31 state, or the United States, and not on behalf of any other person
32 or business;
- 33 (4) actions of a publisher or working journalist in the ordinary course
34 of disseminating news or making editorial comment to the
35 general public, without engaging in other lobbying that would
36 directly and specifically benefit the economic interests of a
37 specific person or business;
- 38 (5) appearing before a County agency at the request of a lobbyist if
39 the witness:
40 (A) takes no other action to influence legislative,
41 administrative, or executive action; and
42 (B) identifies himself or herself as testifying at the request of
43 the lobbyist;
- 44 (6) communicating on behalf of a religious organization for the sole
45 purpose of protecting the right of its members to practice the
46 doctrine of the organization;
- 47 (7) communicating as an official duty of an officer, director,
48 member, or employee of an organization engaged exclusively in
49 lobbying for counties or municipalities, and not on behalf of any
50 other person or business; and
- 51 [(8) acts regulated under Chapter 8, Cable Communications; and]
52 [(9)](8) an action of any person representing an organization that is
53 exempt from taxation under Section 501(c)(3) of the Internal

- 54 Revenue Code if:
- 55 (A) the action promotes the exempt purposes of the
56 organization; and
- 57 (B) the organization gave gifts totaling less than \$500 to public
58 employees in a year; and
- 59 (C) the representative is paid or spends less than \$1,000 in a
60 year to influence executive, administrative, and legislative
61 action.
- 62 (d) Except for the authorization required by Section 19A-22, an individual
63 or organization is exempt from the reporting requirements of this Article
64 if the individual or organization:
- 65 (1) compensates one or more lobbyists;
- 66 (2) reasonably believes that each lobbyist will timely register and
67 report all expenditures required to be reported; and
- 68 (3) engages in no other lobbying.

69 If a lobbyist fails to report timely any information required under this Article,
70 the lobbyist's employer is immediately subject to the reporting requirements of
71 this Article.

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73 *Approved:*

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Steven A. Silverman, President, County Council Date

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Approved:

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Douglas M. Duncan, County Executive Date

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This is a correct copy of Council action.

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Mary A. Edgar, CMC, Clerk of the Council Date